



Facilities

Board of Trustees Policy

SUBJECT: Sexual Harassment Response and Prevention Statement	NUMBER: Policy Number 2.14 and 3.20
	DATE: August 17, 2020, Resolution #20-68
	SUPERSEDES:

Document Number:
6507

Effective Date:
October 09, 2018

This policy item applies to:
Community Colleges
State-Operated Campuses

Summary

While all SUNY campuses have long maintained programs which apply evidence-based approaches to preventing and responding to sexual harassment and other forms of sex-based discrimination, such best practices should be uniformly applied at all SUNY campuses, allowing SUNY to leverage its power as the most comprehensive system of higher education in the country to speak with one voice in combating all forms of sexual harassment.

Policy

All State-operated campuses and community colleges shall adopt the uniform Sexual Harassment Policy Statement below to notify their respective community members of SUNY’s no tolerance policy for behavior that violates the sexual harassment policy. Campuses and System Administration must ensure that

appropriate investigation is made into complaints of sexual harassment and that discipline is imposed for such behavior in accordance with each entity's policies and processes.

SUNY will coordinate with the State to present annual, mandatory training to System Administration and all campuses for employees, and annual training for students, on preventing and addressing sexual harassment and sex discrimination, including knowledge of whom to contact with questions regarding this policy and how to report violations of this policy. In addition, all SUNY campuses shall maintain records to ensure compliance with annual training, reporting and alternative supervision requirements.

SUNY Sexual Harassment Response and Prevention Policy Statement

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Educational Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Sexual harassment is prohibited and will not be tolerated at SUNY Schenectady County Community College (the "College"). The College has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that prevents sexual harassment. All employees and students have a legal right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the College, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the College's Procedure for Resolving Complaints of Discrimination, Harassment, and Retaliation, available here:

<https://www.sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Student/3.15-Procedure-ResolvingComplaints-DiscriminationHarassmentRetaliation.pdf>; Title IX Grievance Procedure, available here: [

<https://sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Human%20Resources/2.23-3.19-TitleIXGrievancePolicy.pdf>], and Sexual Assault Relationship Violence, and Stalking Policies for Students and Employees, available here:

<https://www.sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Student/3.16-SexualAssault-RelationshipViolence-Stalking.pdf> .

In accordance with applicable law, sexual harassment is generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers, that unreasonably interferes with the ability of a person to perform their employment or academic responsibilities.
- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
 - Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the workplace or classroom.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform his or her employment or academic duties;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Such behavior can constitute sexual harassment regardless of the sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity of any of the persons involved. Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Employees and students who believe they have been subjected to sexual harassment may use the College's (1) Procedure for Resolving Complaints of Discrimination, Harassment, and Retaliation, available here:

<https://www.sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Student/3.15-Procedure-ResolvingComplaints-DiscriminationHarassmentRetaliation.pdf>; (2) Title IX Grievance

Procedure, available here: [

<https://sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Human%20Resources/2.23-3.19-TitleIXGrievancePolicy.pdf>], and/or (3) Sexual Assault Relationship Violence, and Stalking Policies for Students and Employees, available here: <https://www.sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Student/3.16-SexualAssault-RelationshipViolence-Stalking.pdf>, for more details on how to have their allegations reviewed, including links to complaint forms.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is unlawful, is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about or provides information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Participants who experience retaliation should contact the campus AAO, and may file a complaint pursuant to these procedures.

SUNY campuses and System Administration shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy Statement is distributed, implemented, and enforced in accordance with their respective policies.